MYSORE ACT No. XIX OF 1950.

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) ACT, 1950.

(AS AMENDED BY ACTS 10 OF 1953 AND 4 OF 1954.)

(*Received the assent of His Highness the Maharaja on the Fifth day of October 1950.*)

An Act to provide for temporary protection of tenants in alienated villages in [1][the State of Mysore except Bellary District] and to ensure that such tenants are not deprived of the usual amenities reserved for the use of the village community.

WHEREAS it is expedient to provide, pending further legislation, for the temporary protection against eviction of tenants in alienated villages and also to ensure that the tenants are not deprived of the usual amenities by the disposal of trees, and to provide for the control of alienation of reserved land, and of lands in the possession of tenants; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950. Short title, extent, commencement and duration.

(2) It extends to the [1][whole of the State of Mysore except Bellary District] and shall apply to all alienated villages in the State.

(3) It shall come into force at once, and shall remain in force up to and inclusive of the 31st day of December, [2][1955].

2. In this Act, unless there is anything repugnant in the subject or context:— Definitions.

(1) "alienated village" includes a Khayamgutta village;

(2) "reserved land" means, in an alienated village to which the provisions of Chapters VIII and IX of

1. *See* the Mysore Adaptation of Laws Order, 1953.
2. Substituted by Act 4 of 1954.

the Mysore Land Revenue Code, 1888, have been applied, all lands which have been reserved under section 39 of the said Code, and, in an alienated village to which Chapters VIII and IX of the said Code have not been applied, all land other than—

(*a*) land held by Kadim tenants or permanent tenants; or land in the possession of tenants at will; and

(*b*) land in the possession of the holder of the alienated village and cultivated by himself or by his own servants or by hired labour, uninterruptedly from the first day of July, 1946.

(3) All other expressions shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888.

Control of eviction of tenants.

3. Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months from the date of commencement of this Act, the rent or land revenue due in respect of the land up to and including the year ending with the thirtieth day of June, 1949, and is willing to hold or continue in possession of the land thereafter as a tenant on the same terms and conditions on which he was holding, or was in possession of, the same on the said first day of July, 1946:

Provided that, subject to the provisions of section 4, the protection afforded by this section shall continue only so long as the rent or land revenue for any year is tendered by the tenant to the superior holder, or any person acting on his behalf, before the expiry of the thirtieth day of June of that year.

Reduction or suspension of rent in certain cases.

4. When owing to inadequate rainfall in any tract the State Government orders the suspension or remission of assessment in respect of lands in the said tract, the rent or land revenue payable by a tenant in an alienated village in the said tract to his superior holder shall be deemed to have been suspended or remitted in the same proportion

as the assessment due to the State Government in such tract in respect of unalienated villages is suspended or remitted.

Revival of rights, liabilities and obligations after the expiry of the Act.

5. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment, decree or order of any court, or under any contract between the parties, immediately before the commencement of this Act, or which may be acquired, accrued or incurred, during the period this Act remains in force, but the enforcement of which has been stayed by the provisions of this Act shall, notwithstanding anything contained in section 6 of the Mysore General Clauses Act, 1899, immediately on the expiration of this Act, revive and be enforceable as if this Act had not been passed.

In computing the period of limitation for the enforcement of any such right, privilege, obligation or liability, the period during which the proceedings in respect thereof are stayed under this Act shall be excluded, notwithstanding anything contained in any law for the time being in force.

Control of alienation of reserved lands.

6. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, sell, mortgage, lease or otherwise assign or alienate any reserved land or land in the possession of tenants in any alienated village.

(2) Notwithstanding anything contained in any law for the time being in force, any sale, mortgage, lease or other assignment or alienation of any reserved land or of land in the possession of tenants effected

(i) after the first day of July, 1918; or

(ii) after the commencement of this Act in contravention of sub-section (1),

shall be void and shall have no effect:

Provided that any sale, mortgage, lease, or other assignment or alienation effected after the first day of July, 1948, and before the commencement of this Act, shall not be void, if such sale, mortgage, lease, assignment or alienation is confirmed by the Deputy Commissioner on the ground—

(*a*) that the transaction has been entered into in good faith; or

(*b*) that the transaction has been entered into for valuable consideration; or

(*c*) that confirmation is necessary for maintaining the agricultural economy of the State.

Control of appropriation of agricultural land for non-agricultural purposes.

7. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, appropriate, or grant permission to any tenant to appropriate any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture.

(2) Notwithstanding anything contained in any law, or usage or custom having the force of law, for the time being in force, the appropriation, or the grant of permission for the appropriation, of any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture in contravention of sub-section (1) shall have no effect.

(3) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

Control of disposal of trees.

8. (1) Notwithstanding anything contained in any law for the time being in force, no person shall fell, lop, sell or otherwise dispose of, any tree, in an alienated village, except under the orders in writing of the Deputy Commissioner:

Provided that the State Government may, by notification in the *Mysore Gazette*, exempt any specified class or classes of trees from the operation of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees or with both.

Appeals and revision.

9. (1) Any person aggrieved by any order of a Deputy Commissioner under this Act may, within thirty days from the date of communication of the order, appeal to the Revenue Commissioner; and the decision of the Revenue Commissioner on such appeal shall, subject to the provisions of sub-section (2), be final.

(2) The State Government may, in its discretion, call for and examine the record of any order passed by the Deputy Commissioner or the Revenue Commissioner for

the purpose of satisfying itself as to the propriety of such order and may pass such order in reference thereto as it thinks fit.

Deputy Commissioner to sanction prosecutions

10. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Bar of jurisdiction.

11. (1) No notification issued or order made in exercise of any power conferred by or under this Act shall be called in question in any proceeding in a court of law.

(2) No suit or other legal proceeding shall lie against the State Government, the Revenue Commissioner or the Deputy Commissioner or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

Rules.

12. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

Repeal and savings.

13. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, (Mysore Ordinance No. III of 1950), is hereby repealed. But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act, as if this Act had come into force on the eleventh day of June 1950.